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VIA CM/ECF and FIRST CLASS MAIL

August 3, 2023

Hon. Steven L. Tiscione, Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza,
Central Islip, NY 11722

RE: HAMMOCK ET AL. V. MOVING STATE TO STATE LLC., ET. AL
EDNY CASE NO. 18 Civ. 05628 (RPK) (SLT)

Dear Justice Tiscione:

Our office represents the Defendant(s), Yarin Nadel and Corporate Entities, in connection with the above-referenced matter.

Our office asks the court to accept the herein correspondence in reply to opposing counsel's frivolous request for sanctions against the Defendant in the above captioned matter.

In their correspondence dated August 3, 2023, in summary, the Plaintiffs' counsel is requesting sanctions against the Defendant for failure to comply with discovery demands and failure to set forth deposition dates for the Defendant.

Setting aside the frivolous and meritless nature of opposing counsel's request, which is a categorical waste of judicial time and resources, we would like this Honorable Court to be well aware that it shocks the conscience that the party who is acting in the most frivolous and sanctionable manner is requesting sanctions against the party who has, from the beginning of this action, complied and acted in a manner that complies with all Federal Rules and Procedure.

Additionally, as a result of the lack of communication and disorganization within opposing counsel's firm and the high attorney turnover who handled this matter, our office had submitted correspondence to opposing counsel's firm on June 13, 2023, outlining where all the discovery material had been uploaded and sent to.

Despite our office having no responsibility in the day to day operations of opposing counsel's law firm and attorneys working within the firm, our office had provided opposing



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counsel, as a professional courtesy, with certain dates in which we had provided all discovery material, all interrogatory replies, and certifications.

Specifically, our office had guided opposing counsel to the following dates in which we had provided their office with discovery material:

- On February 27, 2023, our office had provided email copies in reply to the discovery demand documents requested by your office
- Subsequently on March 30, 2023 our office provided the supplemental file in response to your office's discovery demand request on a google drive due to the large capacity of said documents.
- On April 13, 2023 our office had provided replies to interrogatories with certification sent subsequent to that. In the event that the certification needs to be resent, let our office know and we will provide accordingly, again.

Emphatically, rather than communicating with our office exactly what their office had been missing with respect to the discovery and interrogatory material, opposing counsel has decided to disingenuously send correspondence to your Honor and this Honorable Court requesting sanction which, again, in its entirety is a frivolous and meritless request and an attempt to, again, waste judicial resources and time.

Moreover, with respect to the deposition issues which opposing counsel is raising, it should be duly noted that the deposition of the Defendant had not occurred due to substantial mismanagement and continuous attorney turnover on this case.

From the beginning of the case at bar, until presently, at least four different attorneys have handled this matter and have appeared before your Honorable and, shortly thereafter, frivolous issues were raised as a result of the poor communication which had occurred within opposing counsel's office.



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In fact, as the court is well aware, opposing counsel had even failed to show up during the last appearance and now they raise issues regarding sanctionable conduct against our office which is not only ironic but shocks the conscience of the mockery in which opposing counsel is making of this Honorable Court.

Furthermore, everytime our office had provided dates regarding depositions to opposing counsel, in order to set forth appropriate time to prepare and ensure the Defendant's presence, they are insistent on circling back to the initial stages of this proceedings, that being raising issues pertaining to discovery and/or disclosures, which all have been completed and abided by our office and pursuant to Federal Rules and Procedures with the vast attorneys handling this matter.

Opposing counsel and his office is not only attempting to waste judicial resources and make a mockery of this Honorable Court with their unfounded claims and correspondence to this court but, accordingly, have, in fact, continuously acted in a manner which is sanctionable via their continuous prolonging of this matter proceeding on as a result of their malfeasance.

Our office, in the utmost professional manner, had even provided them in our letter dated June 13, 2023 the opportunity to call our office and correspond with us so that we can assist them with any material which they are missing pertaining to discovery as a result of the vast different attorneys handling the case within their firm.

Rather than exercising the professionalism of a mere phone call to resolve any discovery material issues which their office's prior attorneys have failed to provide the new substitute attorneys taking over the case, they have decided to, again emphatically, waste judicial resources and attempt, in a disingenuous manner, blame our office for their malfeasance rather than taking accountability.



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Our office thanks the court for its indulgence in this matter and requests that this Honorable Court admonish opposing counsel for their continuous frivolous conduct and waste of judicial resources.

Respectfully Submitted,


MEIR MOZA, ESQ.